

REMARKS

Claims 1-8 and 16-18 have been rejected under 35 U.S.C. §102(a) as being anticipated by Schlensker et al. WO 02/38247 or U.S. Patent No. 6,936,084.

Claims 13, 14 and 20 have been rejected under 35 U.S.C. §102(a) or in the alternative under 35 U.S.C. §103(a) where as obvious in view of Schlensker '247.

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Schlensker '247 in view of Gizowski et al, U.S. Publication US2001/0000894 A1.

With this amendment claim 1 has been amended in order to further define the invention and further distinguish the cited references therefrom. No new matter has been added. Independent claim 1 claims that the strip-shaped lateral wall has a linear vertical cross section, such as shown in Figs. 2 and 4. The lower end of the common wall section is defined on page 7, second full paragraph. The lateral wall, upper wall section is defined on page 9, first and second full paragraphs as well as original claim 7. As set forth on page 9, the lateral wall 16 extends almost parallel to the peripheral wall 3, see for example Figs. 2 and 4. As also illustrated in Figs. 2 and 4, the upper wall section is parallel to the common wall section lower end and the container peripheral wall adjacent thereto as described on page 9, the second full paragraph.

The Schlensker reference cannot anticipate nor teach or suggest independent claim 1 which claims a strip-shaped lateral wall having a linear vertical cross section. The vertical cross section of Schlensker, Fig. 1, shows bottom element 24 which has a lateral wall having an upper wall section (bottom of figures as shown) having an inside surface with a stepped configuration, and an outside surface with a curve. Accordingly, Schlensker cannot teach the claimed strip-shaped lateral wall having a linear vertical cross section.

Independent claim 1 further claims that the lateral wall upper wall section extending upward from the common wall section is parallel to the common wall section lower end and cartridge container peripheral wall adjacent thereto. As indicated hereinabove, the Schlensker lateral wall upper wall section includes a stepped inner surface section and a curved outer surface section which merge with the curved edge section and is therefore not parallel to the common wall section lower end and the cartridge container peripheral wall adjacent thereto.

Regarding claim 2, it is claimed that the lateral wall is connected with the curved edge section tangentially. Geometrically, a linear surface or a line also is tangent to a curve at some point, if both the line and the curve pass through the same point with the same direction. In the case of the claimed invention, the tangent line is the linear lateral wall through which the curve of the curved edge section joins tangentially. Schlensker contains no lateral wall that can be considered a tangent line. The Schlensker lateral wall and curved edge section meet in the shape of a "V". Neither the Schlensker collar or upper portion of the lateral wall nor the curved edge section form a tangent as claimed. In the Advisory Action, the Examiner states that the curved edge section and the lateral wall join on a tangent as they merge parallel to one another. The Examiner has not considered the whole lateral wall, but only one point thereof, which is not a line. It is respectfully argued by Applicants, the Schlensker lateral wall is not linear and therefore cannot form a tangent with the curved edge section taught by Schlensker.

Regarding dependent claims 5 and 7, Schlensker teaches a mean edge radius of curvature R which is very small as can be taken from Fig. 1. Accordingly, Schlensker cannot meet the requirements of dependent claims 5 and 10.

Claims 9-12, 19 and 21-22 claim and define the back-up ring arranged on the lid of the filter cartridge. The back-up ring has been further defined as including an inner wall comprising a ring opening, an outer lateral wall in contact with the lid lateral wall, and plurality of radial reinforcing ribs extending between the back-up ring inner wall and back-up ring outer lateral wall. Support for the subject matter is set forth in the specification on at least page 7, first, second and third paragraphs as well as in Figs. 3 and 4. Support for the subject matter added to claim 11 and 21 is set forth on page 11, second full paragraph. The connecting tube claimed in dependent claim 21 is shown in Fig. 3 as well as described in the specification on page 11, first full paragraph.

It is respectfully submitted that the Schlensker reference cannot anticipate nor teach or suggest dependent claims 9 and 19. In Schlensker, what the Examiner refers to as the Schlensker back-up ring is actually a so-called connecting tube. The Schlensker reference cannot teach a back-up ring as defined, having an outer lateral wall in contact with the lid lateral wall, and a plurality of radial reinforcing ribs extending between the back-up ring inner wall and the back-up ring lateral wall. As indicated on

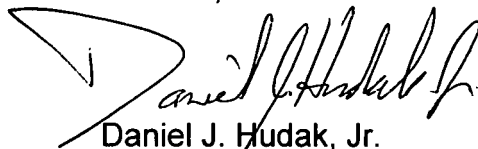
page 6, second through fourth full paragraphs, by providing a back-up ring, the cartridge lid can be designed with a thinner wall, because pressure exerted on the inside of the cartridge lid is practically transmitted through the lid of the outside container. The back-up ring is also advantageous as it is reusable, but the lid as well as the filter cartridge must be disposed of later as waste and cost for the lid material can thus be saved. The further defined limitations of the back-up ring set forth in claims 10-12 and 21-22 cannot be anticipated nor taught or suggested by Schlensker.

Regarding claims 13, 14, and 20, all such claims have been further amended in order to even more clearly define that various structures of the filter cartridge are claimed, such as a weld or glue which is located between a section of the common wall and the peripheral wall, thereby physically connecting the same. Such claims are not product by process claims and cannot be anticipated nor taught or suggested by Schlensker.

It is respectfully submitted that the claims are in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. L.P.A.

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", is written over the typed name.

Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/dp/js

2020 Front Street, Suite 307
Cuyahoga Falls, OH 44221
330-535-2220
Attorney Docket No.: FMW-CQ-PCT-US (B 1872 US)